

SERVICE DATE – JANUARY 27, 2016

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 33 (Sub-No. 93X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—WHITTIER JUNCTION-COLIMA JUNCTION LINE
IN LOS ANGELES COUNTY, CAL.

Decided: January 21, 2016

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 5.18 miles of the Whittier Junction-Colima Junction line (portion of the Anaheim Branch) from milepost 0.0 near Whittier Junction to milepost 5.18 near Colima Junction, in Los Angeles County, Cal. Notice of the exemption was served and published in the Federal Register on August 12, 1996 (61 Fed. Reg. 41,832).

By decision and notice of interim trail use or abandonment (NITU) served on December 13, 1996, the proceeding was reopened and a 180-day period was authorized for the City of Whittier (the City) to negotiate an interim trail use/rail banking agreement with UP for the 5.18-mile line pursuant to § 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. By a series of decisions, the latest of which was served on August 7, 2000, the NITU negotiating period was extended to, and ultimately expired on, December 31, 2000.

In a petition filed on November 30, 2001, the City late-filed a request for issuance of a NITU for a portion of the right-of-way between milepost 0.43 near the grade crossing at Pioneer Boulevard and milepost 5.11 near Colima Junction, a distance of approximately 4.68 miles. By a decision served on December 14, 2001, the notice of exemption served and published in the Federal Register on August 12, 1996, was modified to the extent to necessary to implement interim trail use/rail banking to permit the City to negotiate with UP for an interim trail use/rail banking agreement covering the 4.68-mile portion of the right-of-way.

At the request of the City, portions of the NITU served on December 14, 2001, have been vacated. By a decision served on July 18, 2002, the NITU was vacated as to a 15,000 square-foot parcel along the right-of-way between milepost 2.70 and milepost 2.78, and UP was permitted to abandon that portion of the right-of-way.¹ By a decision served on July 21, 2006, the NITU was

¹ According to UP, that 15,000 square-foot parcel covered only a small extra-width portion of the right-of-way not necessary for future reestablishment of rail service. See Union

vacated as to 17,000 square feet of property along the right-of-way, effective on July 31, 2006.² The City remained the trail user for the remainder of the right-of-way.

In a letter filed on August 17, 2015, the City states that it now intends to sell an additional strip of extra-width property to adjacent landowners and that the sale will not disrupt the continuity of the line for purposes of the possible future restoration of rail service. In connection with the pending sale, the City has decided to terminate trail use over approximately 4,937 square feet of property located on the eastern boundary of the subject line between approximately milepost 2.73 near Whittier Boulevard and approximately milepost 2.78 between Santa Fe Springs Road and Milton Avenue. The City requests that the Board vacate the NITU served on December 14, 2001, to the extent necessary to terminate interim trail use over the 4,937 square feet of the property.

In a letter filed October 5, 2015, the City informed the Board that UP had proposed modifications to the City's request and needed additional time to negotiate with UP. In a letter filed on December 21, 2015, the City states that, pursuant to modifications requested by UP, it has removed a small portion from the City's initial request. The City notes that the modification preserves an embankment to ensure that UP will be able to maintain the subject line in case of reactivation and that the modification does not alter the length of the City's initial request. To reflect the modified request, the City submitted an amended map of the over-width property to be sold to replace the map in Exhibit B submitted with its initial request. In a letter filed on December 22, 2015, UP states that it has no objection to, and concurs with, the City's request to vacate a portion of the NITU, as reflected in the revised Exhibit B.

The City has complied with the requirements of 49 C.F.R. § 1152.29(d)(2). Accordingly, the City's request will be granted.

It is ordered:

1. This proceeding is reopened.
2. The NITU served December 14, 2001, as modified by subsequent decisions, is vacated with respect to the portion of the property located on the eastern boundary of the subject right-of-way, between approximately milepost 2.73 near Whittier Boulevard and approximately milepost 2.78 between Santa Fe Springs Road and Milton Avenue, as reflected in the revised Exhibit B filed by the City on December 21, 2015.

(. . . Continued)

Pac. R.R.—Abandonment Exemption—in Whittier Junction-Colima Junction Line in Los Angeles Cty., Cal., AB 33 (Sub-No. 93X), slip op. at 2 (STB served July 21, 2006).

2 The 17,000 square feet of property collectively consisted of several small, extra-width parcels at various points along the right-of-way. Id., slip op at 2-3.

3. A replacement NITU applicable to the remainder of the right-of-way is issued.
4. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.